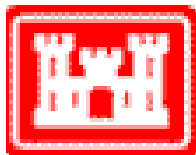


# PUBLIC NOTICE



US ARMY CORPS  
OF ENGINEERS

OMAHA DISTRICT

APPLICANT: LOUIS VANDER LANN, JR.  
APPLICATION NO: 200530176

WATERWAY: HARAM CREEK

ISSUE DATE: AUGUST 15, 2005

EXPIRATION DATE: SEPTEMBER 6, 2005

---

Regulatory Office, 28563 Powerhouse Rd, Room 118, Pierre, SD 57501  
<https://www.nwo.usace.army.mil/html/od-rsd/frame.html>

---

**21-DAY NOTICE**

## JOINT NOTICE OF PERMIT PENDING

US ARMY CORPS OF ENGINEERS  
AND

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

The application of Louis Vander Laan, Jr., Beresford, South Dakota, 57004, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, US Army Engineer District, Omaha, Nebraska.

The applicant requests authorization to construct an animal waste treatment lagoon adjacent to an existing feedlot with associated relocation of Haram Creek. The project is located in the Northeast Quarter of Section 26, Township 97 North, Range 51 West, Lincoln County, South Dakota.

The proposed project will consist of excavating approximately 6,000 cubic yards and placement of approximately 5,400 cubic yards of compacted fill to construct a lagoon with containment berms within Haram Creek. Approximately 1,280 linear feet of Haram Creek, an ephemeral stream and tributary to Saddle Creek in the Vermillion River drainage basin, will be filled and impacted. The reach of Haram creek filled will be replaced, and compensated for, by construction of an equivalent trapezoidal section with a ten feet wide bottom, 3:1 side slopes and resultant length of 800 feet.

The citing of the lagoon in Haram Creek was chosen since it feasibly allowed gravity flow for the wastes from the existing feedlot and is in close proximity to the feedlot. Haram Creek has a drainage area of 3,885 acres of agricultural land and is located in pasture within the project area.

The purpose of the project is to provide containment and treatment of animal wastes produced by the existing feedlot and to comply with current treatment standards.

The South Dakota Department of Environment and Natural Resources, Division of Environmental Services, 523 East Capitol Avenue, Pierre, South Dakota, 57501-3181, will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The South Dakota Department of Environment and Natural Resources hereby incorporates this public notice as its own public notice and procedures by reference (ARSD 74:51:01).

The Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and "its current supplements," and no property listed in the Register or proposed for listing is located in the permit area. A Level III cultural resource inventory was conducted in August 2000 for this project by the Natural Resources Conservation Service, who filed a report and associated determination with the South Dakota State Historic Preservation Office (SHPO). The SHPO concurred with the determination of "no historic properties affected". However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice.

This project is on a tributary to Saddle Creek, which has known populations of Topeka Shiner, *Notropis Topeka*, a listed endangered species. A preliminary "may affect, not likely to adversely affect", determination has been made for this project by the US Natural Resources Conservation Service. Coordination with the U.S. Fish and Wildlife Service (FWS) was conducted in August 2000, resulting in FWS concurrence with the determination relative to the Topeka Shiner. In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species, other than the Topeka Shiner, designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the FWS and other interested agencies and individuals.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general the needs and welfare of the people. In addition, the evaluation of the impacts of the project on public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

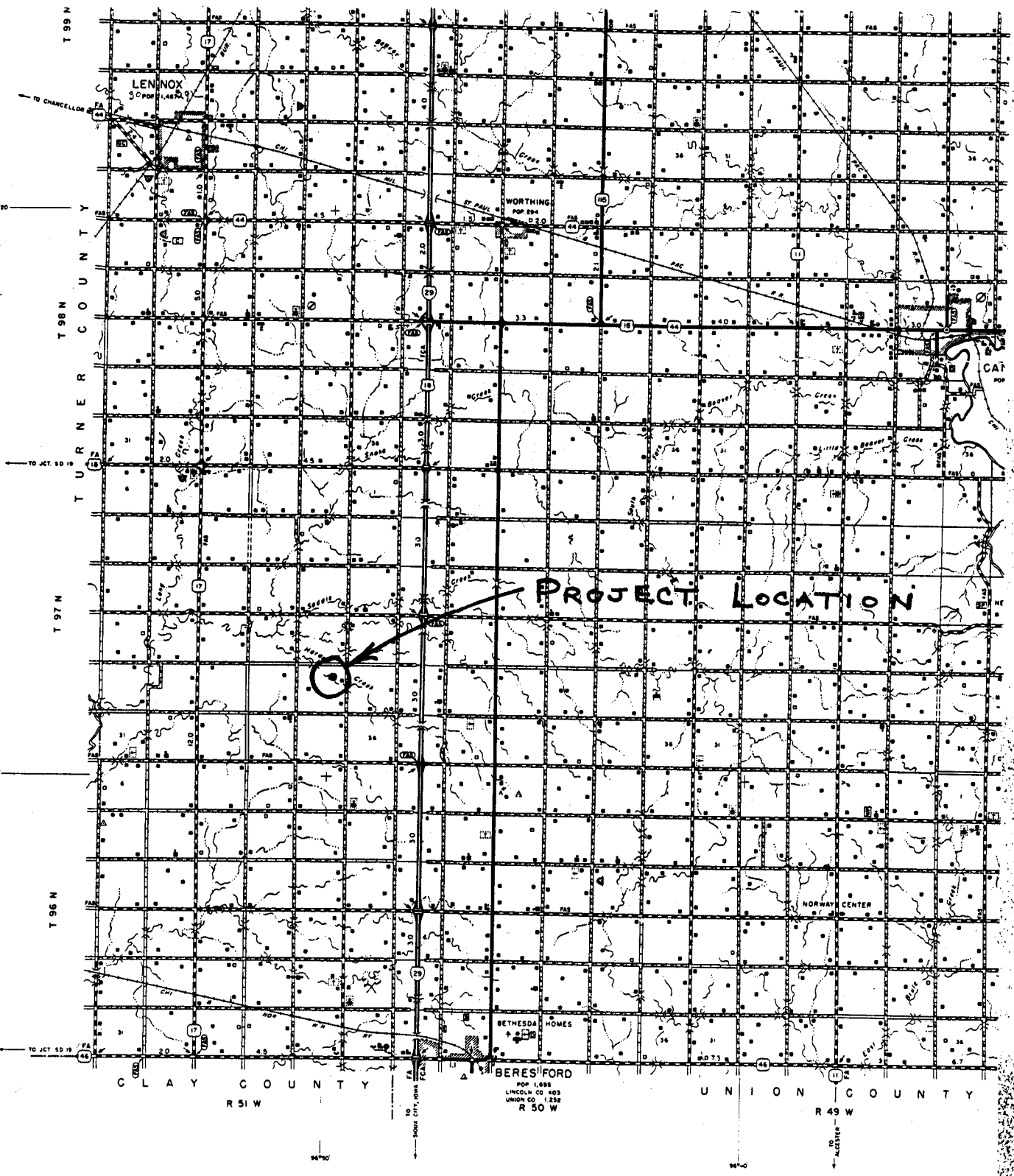
Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps of Engineers, South Dakota Regulatory Office, 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501.

Any interested party (particularly officials of any town, city, county, state, Federal agency, Indian Tribe, or local association whose interests may be affected by the proposed work) is invited to submit to this office, written facts, arguments, or objections on or before September 6, 2005. Any agency or individual having an objection to the proposed work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application. All replies to the public notice should be addressed to the address listed in the previous paragraph. James Oehlerking, telephone number (605) 224-8531, may be contacted for additional information.

Comments received after the close of the business day on the expiration date of this public notice will not be considered.

Drawings showing the location and extent of the work are attached to this notice.



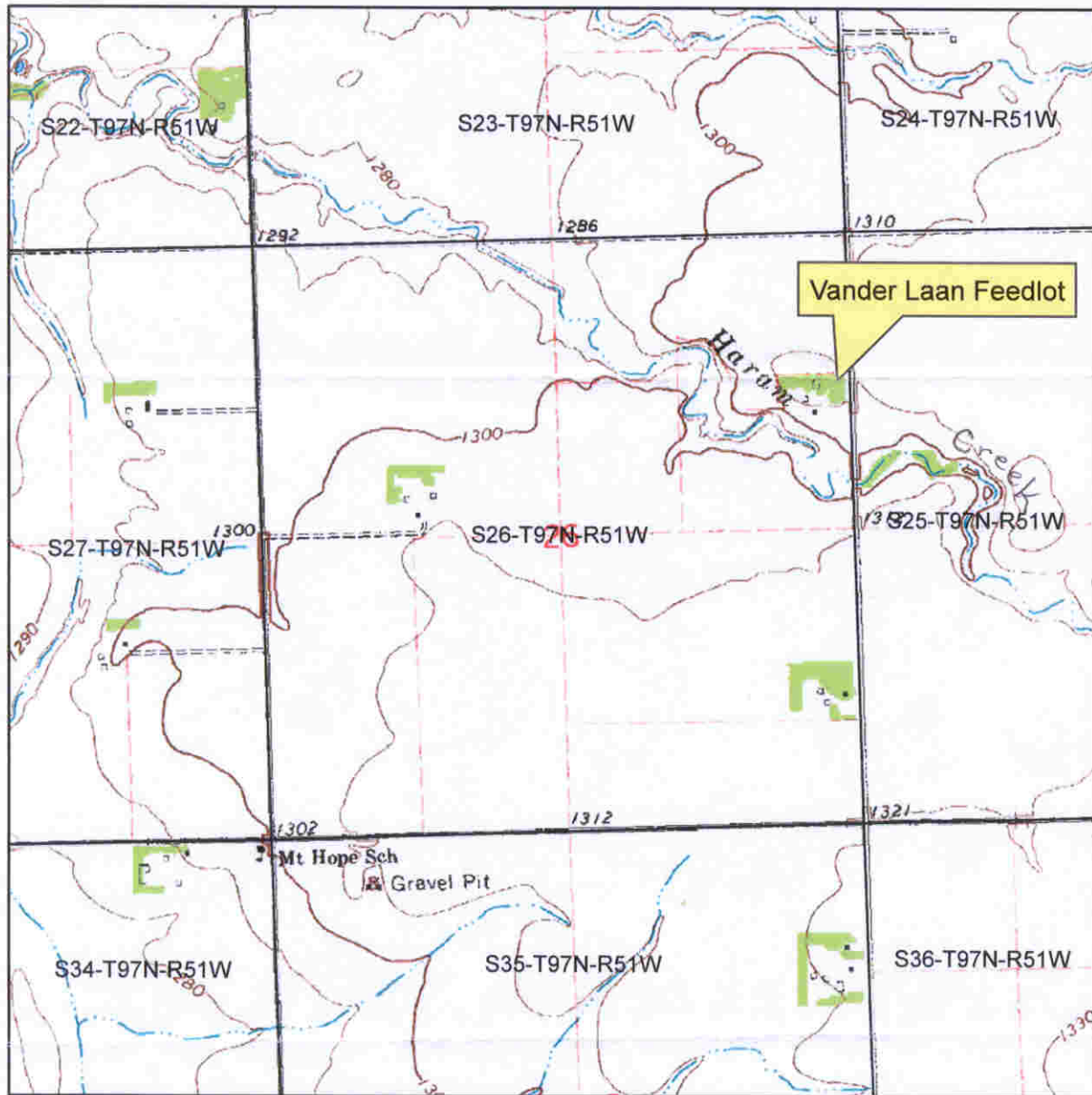
**PURPOSE:** Animal Waste Treatment  
**APPLICATION BY:** Louis VanderLaan  
**APPLICATION NO.** 200530176

**IN:** Haram Creek  
**AT:** Section 26, T97N, R51W  
**COUNTY:** Lincoln  
**DATE:** 8/15/05  
**SHEET** 1 of 4

# Vander Laan Feedlot

## Vicinity Map

4N

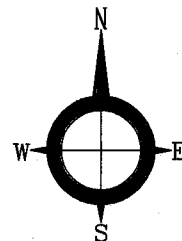


0 495 990 1,980 2,970 3,960 Feet

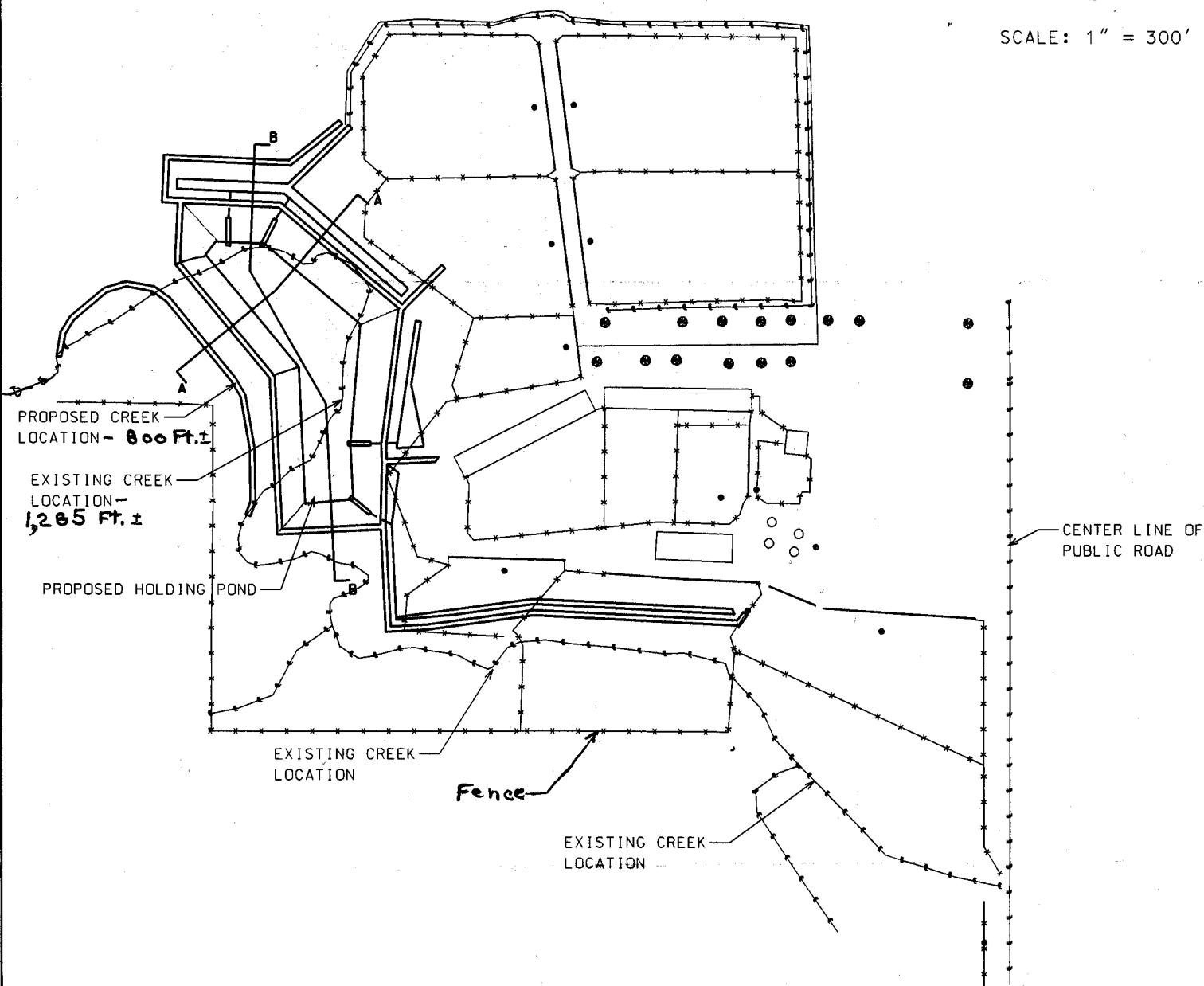
Settje Agri-Services & Engineering, Inc.

**PURPOSE:** Animal Waste Treatment  
**APPLICATION BY:** Louis VanderLaan  
**APPLICATION NO.** 200530176

**IN:** Haram Creek  
**AT:** Section 26, T97N, R51W  
**COUNTY:** Lincoln  
**DATE:** 8/15/05  
**SHEET** 2 of 4



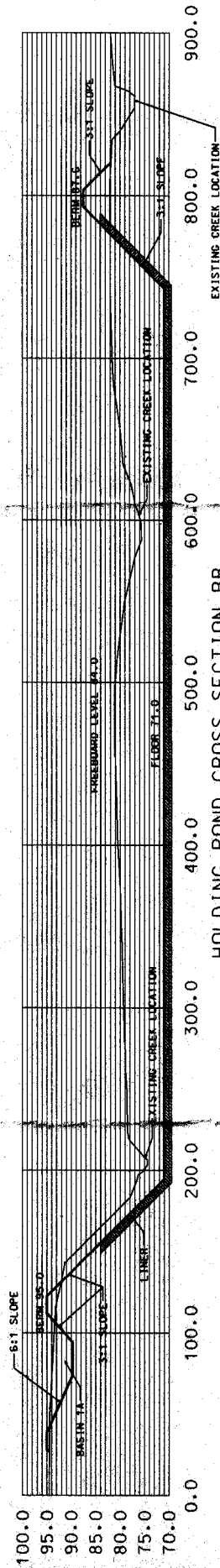
SCALE: 1" = 300'



**PURPOSE:** Animal Waste Treatment  
**APPLICATION BY:** Louis VanderLaan  
**APPLICATION NO.** 200530176

**IN:** Haram Creek  
**AT:** Section 26, T97N, R51W  
**COUNTY:** Lincoln  
**DATE:** 8/15/05  
**SHEET** 3 of 4

**PLAN VIEW**  
**LOUIS VANDERLAAN**  
NE 1/4, SEC 26, T 97 N, R 51 W  
**LINCOLN COUNTY**  
**SETTJE AGRI SERVICES**  
**AND ENGINEERING, INC**  
SW



**PURPOSE:** Animal Waste Treatment  
**APPLICATION BY:** Louis VanderLaan  
**APPLICATION NO.** 200530176

|     | EXISTING GRADE | PROPOSED GRADE |
|-----|----------------|----------------|
| 1   |                |                |
| 2   |                |                |
| 3   |                |                |
| 4   |                |                |
| 5   |                |                |
| 6   |                |                |
| 7   |                |                |
| 8   |                |                |
| 9   |                |                |
| 10  |                |                |
| 11  |                |                |
| 12  |                |                |
| 13  |                |                |
| 14  |                |                |
| 15  |                |                |
| 16  |                |                |
| 17  |                |                |
| 18  |                |                |
| 19  |                |                |
| 20  |                |                |
| 21  |                |                |
| 22  |                |                |
| 23  |                |                |
| 24  |                |                |
| 25  |                |                |
| 26  |                |                |
| 27  |                |                |
| 28  |                |                |
| 29  |                |                |
| 30  |                |                |
| 31  |                |                |
| 32  |                |                |
| 33  |                |                |
| 34  |                |                |
| 35  |                |                |
| 36  |                |                |
| 37  |                |                |
| 38  |                |                |
| 39  |                |                |
| 40  |                |                |
| 41  |                |                |
| 42  |                |                |
| 43  |                |                |
| 44  |                |                |
| 45  |                |                |
| 46  |                |                |
| 47  |                |                |
| 48  |                |                |
| 49  |                |                |
| 50  |                |                |
| 51  |                |                |
| 52  |                |                |
| 53  |                |                |
| 54  |                |                |
| 55  |                |                |
| 56  |                |                |
| 57  |                |                |
| 58  |                |                |
| 59  |                |                |
| 60  |                |                |
| 61  |                |                |
| 62  |                |                |
| 63  |                |                |
| 64  |                |                |
| 65  |                |                |
| 66  |                |                |
| 67  |                |                |
| 68  |                |                |
| 69  |                |                |
| 70  |                |                |
| 71  |                |                |
| 72  |                |                |
| 73  |                |                |
| 74  |                |                |
| 75  |                |                |
| 76  |                |                |
| 77  |                |                |
| 78  |                |                |
| 79  |                |                |
| 80  |                |                |
| 81  |                |                |
| 82  |                |                |
| 83  |                |                |
| 84  |                |                |
| 85  |                |                |
| 86  |                |                |
| 87  |                |                |
| 88  |                |                |
| 89  |                |                |
| 90  |                |                |
| 91  |                |                |
| 92  |                |                |
| 93  |                |                |
| 94  |                |                |
| 95  |                |                |
| 96  |                |                |
| 97  |                |                |
| 98  |                |                |
| 99  |                |                |
| 100 |                |                |